

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY P. PURDY,

8:14CV236

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

MARK FOXHALL, JHON
HUBBARD, PAT WEST, EARLEY,
MENTAL HEALTH STAFF, DRS
OF CCS, CITY OF OMAHA,
DOUGLAS COUNTY, DOUGLAS
COUNTY CORRECTIONS
CENTER, CCS, and CCA,

Defendants.

This matter is before the court for case management. The Prison Litigation Reform Act requires an imprisoned civil plaintiff to pay the court's entire filing fee, either at the outset when filing the complaint, or in installments if the court grants leave to proceed in forma pauperis ("IFP"). [*In re Tyler*, 110 F.3d 528, 529-30 \(8th Cir. 1997\)](#); [*Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951 \(D. Neb. 2001\)](#).

On November 19, 2014, the court granted Plaintiff's motion seeking leave to proceed IFP and ordered him to pay an initial partial filing fee in the amount of \$10.40 within 30 days. (*See* Filing No. [12](#).) To date, Plaintiff has not paid the initial partial filing fee or asked for an extension of time in which to do so. Accordingly, the court will require Plaintiff to show cause why this case should not be dismissed for his failure to pay the initial partial filing fee. Absent a sufficient response, the case will be subject to dismissal. *See* [*Taylor v. Cassady*, 570 Fed. App'x. 632 \(8th Cir. 2014\)](#) (holding district court abused its discretion by dismissing case without first taking steps to determine whether prisoner-plaintiff's failure to pay the initial partial filing

fee “was caused by circumstances beyond his control, such as prison officials’ failure to adhere to his request to remit payment using funds from his account”).

IT IS ORDERED:

1. Plaintiff will have 30 days to show cause why this case should not be dismissed for failure to pay the initial partial filing fee. In the absence of cause shown, this case will be dismissed without prejudice and without further notice.

2. The Clerk of Court is directed to set a pro se case management deadline in this case using the following text: February 9, 2015: check for response to show cause order.

DATED this 7th day of January, 2015.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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